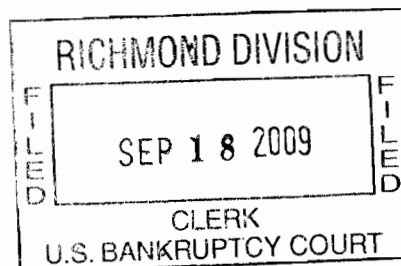


UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:) Chapter 11
)
CIRCUIT CITY STORES, INC., et al.,) Case No. **08-35653**
)
Debtors.) Jointly Administered
)
_____)
Ashley Isaac, *pro se*, ON BEHALF OF HERSELF)
)
Movant,)
)
v.)
)
CIRCUIT CITY STORES, INC.,)
)
Debtor.)



**MOTION TO ALLOW MOVANT'S EXISTING
LATE PROOF OF CLAIM AS VALID**

Comes Now the Movant, **Ashley Isaac** in the above style and respectfully files this Motion To Authorize Movant's Existing Late Proof Of Claim.

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue in these cases and this Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409.
2. The statutory predicates for the relief requested herein are sections 503(b)(9), 503(a), 507(a)(2) and 105(a) of title 11 of the United States Code (the "Bankruptcy Code").

FACTUAL BACKGROUND

3. Circuit City Stores, Inc., et al. (the “Debtors”) filed voluntary petitions for relief pursuant to Chapter 11 of the Bankruptcy Code on November 10, 2008 (the “Petition Date”).
4. On or about January 16, 2009 the Debtor began liquidation of its remaining stores on January 16, 2009.
5. The deadline for filing a proof of claim was January 31, 2009, thirty-one days after the petition date.
6. Ashley Isaac became an employee with Circuit City Stores, Inc. in October 2007. In May of 2008 Ms. Isaac filed a complaint with the Equal Employment Opportunity Commission against her employer (the “Debtor”) for harassment. Ms. Isaac did not receive the bar date notice notifying her of the deadline for filing a proof of claim. In March of 2009 Ms. Isaac received a “Right To Sue Letter” from the E.E.O.C. and in May of 2009 Ms. Isaac filed a lawsuit, in the United States District Court For The Northern District Of Alabama Southern Division, against the debtor and three of their employees. On July 17, 2009 the Honorable Judge William Acker **dismissed without prejudice** the action against Circuit City Stores, Inc. to be pursued in bankruptcy court.
7. On or around July 24th, 2009 Ms. Isaac mailed a proof of claim to Kurtzman Carson LLC in the amount of \$850,000. In August 2009 Ms. Isaac filed and amended a Motion For Relief from the Automatic Stay. On August 27, 2009 the Honorable Judge Kevin R. Huennekens

dismissed without prejudice the Motion For Relief From The Automatic Stay (filed by Ms. Isaac).

RELIEF REQUESTED

8. Ms. Isaac did not receive the deadline for filing a proof of claim which led to her late filing of a proof of claim. Ms. Isaac prays that this court will excuse her late as an *excusable neglect* as in the case of EAGLE BUS MFG., INC., et al., Debtors. GREYHOUND LINES, INC., Appellant, v. Donna ROGERS, et al., Appellees which was heard in the United States Court of Appeals for the Fifth Circuit.

BASIS FOR RELIEF

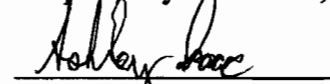
9. Ms. Isaac requests relief in the form of her proof of claim be deemed valid, so that she might pursue her claim in bankruptcy court. If Ms. Isaac's motion is not granted she will be prejudiced, because she did not receive notice of the debtors bar date and deadline for filing a proof of claim, and will not be given *due process* as that of the other creditors.

CONCLUSION

Wherefore, premises considered, Ashley Isaac respectfully prays that this Court enter an order and:

- (a) grant the Movant's Motion and render her late filing as an *excusable neglect*.
- (b) grant additional relief as this Court deems just and proper.
- (c) allow this matter to be heard on the September 22, 2009 hearing regarding the Debtor.

Respectfully Submitted,



Ashley Isaac, *pro se*

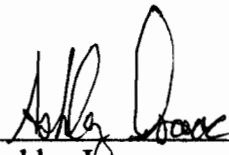
September 18, 2009

Certificate of Service

I herby certify that an exact copy of the foregoing document has been delivered to the following party(s) by certified United States Mail properly addressed, postage pre-paid, Sheriff service, or electronically:

OF COUNSEL:

Gregg M. Galardi
Skadden Arps Slate Meagher
& Flom LLP, One Rodney Sq.
PO Box 636
Wilmington, DE 19899



Ashley Isaac

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re: CIRCUIT CITY STORES, INC., et al)
)
) Case No. 08-35653
) Chapter 11
Debtor

NOTICE OF MOTION (OR OBJECTION)

Ashley Isaac, pro se has filed papers with the court to move this Court
Motion To Allow Movant's Existing Late Proof Of Claim As Valid.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion (or objection), or if you want the court to consider your views on the motion (or objection), then on or before September 22, 2009, you or your attorney must:

- ☒ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219-1888

You must also mail a copy to:

Gregg M. Galardi, Esq. Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square PO Box 636
Wilmington, DE 19899-0636

- ☐ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing**

- ☒ Attend the hearing on the motion (or objection) scheduled to be held on September 22, 2009 at 11:00 a m. at United States Bankruptcy Court, Eastern District of Virginia
701 East Broad Street, Richmond, Va. 23219.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: September 18, 2009

Signature, name, address and telephone number
of person giving notice:

Ashley Isaac
617 South 76th Street
Birmingham, AL. 35206

Virginia State Bar No. _____
Counsel for _____

Certificate of Service

I hereby certify that I have this 19 day of September, 20 09, mailed or hand-delivered a true copy of the foregoing Notice of Motion (or Objection) to the parties listed on the attached service list.

Respectfully Submitted,

Ashley Isaac _____